

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA, THE
LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, DONNA PERMAR,
JOHN P. CLARK, MARGARET B. CATES,
LELIA BENTLEY, REGINA WHITNEY
EDWARDS, ROBERT K. PRIDDY II,
WALTER HUTCHINS, AND SUSAN
SCHAFFER.

Plaintiffs,

vs.

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS; DAMON CIRCOSTA, in
his official capacity as CHAIR OF THE
STATE BOARD OF ELECTIONS; STELLA
ANDERSON, in her official capacity as
SECRETARY OF THE STATE BOARD OF
ELECTIONS; KEN RAYMOND, in his
official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; JEFF
CARMON III, in his official capacity as
MEMBER OF THE STATE BOARD OF
ELECTIONS; DAVID C. BLACK, in his
official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; THE
NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION; J. ERIC BOYETTE,
in his official capacity as
TRANSPORTATION SECRETARY; THE
NORTH CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
MANDY COHEN, in her official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES,

Defendants.

Civil Action No. 20-cv-457

**DECLARATION OF MARSHALL TUTOR IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

I, Marshall Tutor, hereby declare as follows:

1. I have nearly 25 years of experience as an investigator in North Carolina. I worked as a Criminal Investigator in the North Carolina Department of Insurance for over four and a half years, a Securities Investigator for the North Carolina Secretary of State Office for over four and a half years, an Elections Investigator for the NC State Board of Elections for 9 years, and then Lead Investigator for the North Carolina State Board of Elections for 6 years. I left the State Board of Elections in 2018.

2. Over the years, I have investigated numerous complaints related to elections in Bladen County.

3. McCrae Dowless has been indicted for election fraud crimes in North Carolina. My investigation of McCrae Dowless and mail-in absentee ballot fraud in Bladen County was a continuous case from 2016 until I left the State Board of Elections in 2018, prior to the 2018 fall general election.

4. In both 2016 and 2018, Mr. Dowless hired people who, often in two-person teams, would visit households that had been mailed absentee ballots by the Bladen County Board of Elections. His teams would show up with marked sample ballots in hand and would encourage these voters to mark their ballots the same way. Dowless's teams would offer to take the ballots and turn them in. Instead, the ballots collected went directly to Mr. Dowless; some made it to the Bladen County Board of Elections and some did not.

5. The ballots were collected with or without witness signatures. When there was no witness signature, Dowless' teams would forge the signatures, and they would sign those ballots out of the presence of the voter. I never detected a forgery just by reviewing the face of the absentee ballot envelope.

6. Mr. Dowless' illegal mail-in absentee ballot fraud enterprise was almost totally dependent on his daily access to the names and addresses of those who requested absentee ballots from the Bladen County Board of Elections. Mr. Dowless was known to have had a very long and cordial relationship with the staff at the Bladen County Board of Elections. He would either call the county board staff or come by on a daily basis to get the list of absentee ballot requests. At that time, the names and addresses of those requesting a mail-in absentee ballot were public record.

7. Now that the law has been changed so that the identities of voters requesting mail-in absentee ballots is not a public record until Election Day, I do not believe anyone can fraudulently manipulate the system as Mr. Dowless did. A person would need an accomplice working in a county board of elections office to break the law in order to get this confidential information.

8. I do not believe a two-witness signature requirement in any way prevents potential fraud such as that conducted by Mr. Dowless' illegal ballot fraud activities. In my 15 years' experience as an investigator with the State Board of Elections, I cannot think of a time or situation in which two absentee ballot witness signatures would have prevented absentee ballot fraud.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd of June, 2020.

/s/ Marshall Tutor

Marshall Tutor